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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIO E. GARCIA,)	Case No.: 1:13-cv-01949-AWI-SAB (PC)
Plaintiff,)	
v.)	FINDINGS AND RECOMMENDATION
)	REGARDING COMPLAINT FILED PURSUANT
SIX UNKNOWN AGENTS, et al.,)	TO 42 U.S.C. § 1983
Defendants.)	
)	
)	
)	

Plaintiff Mario E. Garcia is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. While this action is brought in the name of Luis Quintanilla and Young Yil Jo, the Court recognizes the handwriting and substance of the complaint to be brought by Young Yil Jo only.¹

**I.
DISCUSSION**

To date, Plaintiff Young Yil Jo has filed over one-hundred fifty civil cases in this district. The complaint filed in this action is not signed and it sets forth no intelligible claims for relief, and fails to state any cognizable claims under federal law. Ashcroft v. Iqbal, 556 U.S. 662, 677-668 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). Given this litigant’s abusive filing practices in

¹ In addition, the complaint arrived in an envelope with several other complaints, all with different plaintiffs. The envelope bore the name of Young Yil Jo, who is housed at Etowah County Jail.

1 this district, and the utterly incoherent pleading before the Court, leave to amend is not warranted.
2 Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000). Federal courts, as all courts, are for the serious
3 presentation of cases in which litigants wish to have their matters heard. Plaintiff is not one who takes
4 this claim with any serious indication that he intends to pursue a righteous claim.

5 As for dismissing this case with prejudice, this Plaintiff has filed over one hundred and fifty
6 civil cases in this district and in a variety of names involving the similar claims and similar lack of any
7 facts which comport with the Federal Rules of Civil Procedure. Plaintiff has been admonished by
8 numerous judges of this court and yet still heeds no warning. This Court has previously warned
9 Plaintiff that the filing of frivolous claims with no basis in law or fact may result in monetary
10 sanctions. (1:13-cv-00750-AWI-SAB, ECF No. 2.) The Court will issue a separate sanctioning order
11 in addition to dismissing Plaintiff's claim with prejudice.

12 **II.**
13 **RECOMMENDATION**

14 Accordingly,

15 IT IS HEREBY RECOMMENDED that this action be DISMISSED WITH PREJUDICE.

16 This Findings and Recommendation is submitted to the assigned United States District Court
17 Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of
18 Practice for the United States District Court, Eastern District of California. Within **fourteen (14)** days
19 after being served with a copy, Plaintiff may file written objections with the court and serve a copy on
20 all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and
21 Recommendation." Plaintiff is advised that failure to file objections within the specified time may
22 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

23
24 IT IS SO ORDERED.

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26 Dated: December 6, 2013

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28 UNITED STATES MAGISTRATE JUDGE

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